

Applicant: T. Iwamatsu, et al.
U.S.S.N.: 10/586,808
Response to Office Action
Page 11 of 16

Amendment to the Drawings

The attached two sheets of drawings includes changes to Figs. 5 and 16. These sheets, which includes Figs. 5 and 16, replace the original sheets including Figs. 5 and 16.

REMARKS

Applicants appreciate the Examiner's thorough examination of the subject application and request reconsideration of the subject application based on the foregoing amendments and the following remarks.

Claims 1-18 are pending in the subject application.

Claims 1, 2, 15 and 16 stand rejected under 35 U.S.C. §102.

Claims 3-14, 17 and 18 were objected to as depending from a rejected base claim, however, the Examiner indicated that the claims would be allowable if appropriately re-written in independent form. Applicants reserve the right to later amend any of the objected to claims so as to be in appropriate independent form.

Claims 5 and 16 were amended so as to avoid possible antecedent basis concerns and claims 19-22 were added so as to include the bubble limitation of claims 5 and 16 and so the added claims depend from one of claims 3 and 4.

Claims 23-24 were added to more distinctly claim embodiments and aspects of the present invention.

The amendments to the claims are supported by the originally filed disclosure.

During preparation of the within Response, a few typographical mistakes were identified in the specification. Thus, the specification was amended in the foregoing to correct these typos.

The drawing figures were objected to and correction required. Enclosed herewith are amended drawing figures that address the drawing objections.

The amendments to the specification/ drawing figures do not introduce new matter because they either are editorial in nature or are supported by the originally filed disclosure. Thus entry of amended drawing figures and the amendments to the specification is respectfully requested.

35 U.S.C. §102 REJECTIONS

The Examiner rejected claims 1, 2, 15 and 16 under 35 U.S.C. §102(e) as being anticipated by Ahn et al. [USP 7,929,222; "Ahn"]. Applicants respectfully traverse as discussed below.

In claim 1, Applicants claim a display apparatus that includes, *inter alia*, a sheet-form porous body (4) which has plural holes (7) dispersively formed to run through in a thickness direction thereof. Also such a sheet-form porous body (4) has at least a light transmitting part (4a) to change its optical property in the thickness direction. The display apparatus also includes a liquid filled in each of the holes of the porous body. This liquid filling the holes has a light transmitting part (8) and a part (9, 42) differing from the light transmitting part in optical property. The part (9,42) differing in optical property is capable of changing its position in the thickness direction through voltage application thereto.

As described in the subject application (see Figs. 3-6), when the part (9,42) differing in optical property is moved to one position by the application of the voltage, light incident on the part (9) differing in optical property is reflected therefrom and so as to pass through the at least a light transmitting part of the sheet form porous body. As indicated above, the optical property of the porous body changes in its thickness direction. Thus, when the part (9) differing in optical property is moved to another position, the light being reflected from this part passes through the part of the porous body having the different optical property from that of the light transmitting part (*e.g.*, the lower layer black porous film 4b, the lower layer colored porous film 24b).

In contrast to the present invention, the element identified by reference numeral 107 in Ahn is an insulating template. It is clear from the discussion in Ahn regarding the insulating template 107, that this structure is a single structure formed uniformly of the same material, such as for example alumina (see col. 6, lines 57-63) or an insulating polymer (see col. 7, lines 15-25). In other words, the insulating template basically has a constant or essentially uniform optical property in the thickness direction of the insulating template.

Therefore, Ahn does not describe, as is claimed by Applicants, “a *sheet-form porous body* which has plural holes dispersively formed to run through in a thickness direction thereof and *has at least a light transmitting part to change its optical property in the thickness direction*” nor is this taught or suggested in Ahn. In fact, when one refers to Figs. 6A,6B in Ahn and the discussion in cols. 1-2, it is clear that in the display described in Ahn, it is the fluid in the holes of the insulating template which is being observed by the person viewing the display. Such a configuration is basically different in structure and function from that described and claimed by Applicants. Therefore, claim 1 is distinguishable from Ahn.

As to claims 2, 15 and 16, each of these claims depends (directly or ultimately) from claim 1. Therefore, claims 2, 15 and 16 are considered to be allowable at least because of their dependency from an allowable base claim. This shall not be construed, however, as an admission that claims 2, 15 and 16 are not separately patentable from Ahn.

As provided by the Federal Circuit, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Or stated another way, “The identical invention must be shown in as complete detail as is contained in the ... claims. *Richardson v Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ 2d. 1913, 1920 (Fed. Cir. 1989). Although identify of terminology is not required, the elements must be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990). It is clear from the foregoing remarks that the above identified claims are not anticipated by the cited reference.

It is respectfully submitted that for the foregoing reasons, claims 1, 2, 15 and 16 are patentable over the cited reference and thus, satisfy the requirements of 35 U.S.C. §102(e). Therefore, these claims are allowable.

CLAIMS 3-14, 17 & 18

In the above-referenced Office Action, claims 3-14, 17 and 18 were objected to as being dependent upon a rejected base claim. It also was provided in the above-referenced Office Action, however, that these claims would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claim(s).

In as much as Applicants believe that the base claim, claim 1, is in allowable form, claims 3-14, 17 and 18 were not re-written in independent form as suggested by the Examiner. Applicants, however, reserve the right to later amend the subject application so as to present any one or more of these claims in independent form or to add one or more independent claims that contain the limitations of any one or more of claims 3-14, 17 and 18.

CLAIMS 19 - 24

As indicated above, claims 19-22 were added to include the pre-amendment language of claims 5 and 16, to remove the fine particle language from the pre-amended claims, to include the bubble limitation language that was removed from these claims in the foregoing amendment and also so that each of the added claims depends respectively from one of claims 3 or 4. In view of the indication of allowable subject matter for claims 3 and 4 as well as for claims 5, Applicants submit that added claims 19-22 are allowable.

As indicated above, claims 23 and 24 were added to claim embodiments and aspects of the present invention. This claim is clearly supported by the originally filed disclosure, including the originally filed claims. It also is respectfully submitted that this added claim is patentable over the cited prior art on which the above-described rejection(s) are based.

SEPCIFICATION AMENDMENTS

As indicated herein, during preparation of the within Response, a few typographical mistakes were identified in the specification. The foregoing amendments to the specification were made so as to correct these typos.

Applicant: T. Iwamatsu, et al.
U.S.S.N.: 10/586,808
Response to Office Action
Page 16 of 16

It is respectfully submitted that the foregoing amendments to the specification do not introduce new matter and thus the specification satisfies applicable Patent laws and rules and, therefore is considered acceptable.

DRAWING OBJECTIONS

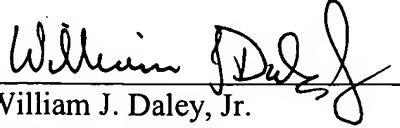
The Examiner objected to drawing Figs. 5 and 16 for the reasons provided on page 2 of the above-referenced Office Action. Attached herewith are replacement sheets in which drawing Figs. 5 and 16 were amended as suggested by the Examiner. Therefore, the as-amended drawing figures are considered acceptable.

It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

Because the total number of claims and/or the total number of independent claims post amendment now exceed the highest number previously paid for, authorization is provided herewith to charge the below-identified deposit account for the required additional fees. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. 04-1105.

Respectfully submitted,
Edwards Angell Palmer & Dodge, LLP

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